

Derek Ibarguen
Acting Forest Supervisor
Rob Hoelscher
Acting Jackson District Ranger Bridger-Teton National Forest Jackson Ranger District
PO Box 1888
Jackson, WY 83001
RE: Snow King On-Mountain Improvements EIS. Proposed Summit facilities

Thank you for the opportunity to comment on the DEIS for Snow King Mountain Resort On-Mountain Improvements. I appreciate the efforts of the Forest Service (USFS) to make responsible changes on Snow King Mountain. Unfortunately, I do not think that the EIS adheres to all USFS Manual, National Environmental Policy Act (NEPA), and Ski Area Recreational Opportunity Enhancement Act (SAROE) directives and therefore the DEIS requires reconsideration. Regardless of one's personal feelings about Snow King and its future, laws like NEPA legally bind and guide the USFS to make conscientious decisions. There are a few major missteps in the DEIS that require additional consideration.

Purpose & Need

The Purpose & Need (PN) section should contain the USFS' need for the proposed actions in the DEIS. Supposedly there is a gap between existing and desired conditions on Snow King. The PN does not originate from the desires of the USFS but rather the desires of the applicant. For example, how does "making Snow King the primary ski resort in Jackson Hole" reflect a USFS need? The USFS doesn't need to achieve this goal as an agency; rather, the applicant desires to achieve this outcome. Because the remainder of the document is based on the PN, the rest of the DEIS is flawed. Perhaps if the DEIS framed the PN reasonably, the Range of Alternatives (RA) and Effects Analysis would be more acceptable. This section requires a new framing from a USFS perspective.

Range of Alternatives

Because the PN section of the DEIS is flawed, the RA is inappropriate as a result. If the PN section included more of the USFS' perspective rather than the applicant's desires, there would be more room for an actual range of alternatives that could achieve the agency's goals. The "alternatives" in the DEIS are remarkably similar and hardly represent the "reasonable range of alternatives" that the National Environmental Policy Act (NEPA) requires (Sec.1505.1(e)). The only "alternative" that actually differs significantly is the "No Action" option, which the NEPA necessitates (Section 1502.14(d)). DEIS writers need to revisit this section and make sure it represents a wider range of alternatives that reflect the diverse concerns of the public.

Effects Analysis

The Council on Environmental Quality (CEQ) § 1500.2(e) requires that the DEIS writers "use the NEPA process to identify and assess the reasonable alternatives to proposed actions that will avoid or minimize adverse effects of these actions upon the quality of the human environment." To the contrary, the DEIS writers seem to dismiss

important effects including, but not limited to: number of skiway crossings with the proposed road, the snowmaking cloud, and summit development. With the new proposed road plan, the amount of skiway crossings would increase to 15. There is no acknowledgement of the significant increase in danger when considering the potential for collisions between experts and beginners. In addition, when referencing additional snowmaking operations, DEIS writers claim that “Most of the increase in snowmaking coverage would be at higher elevations where wind would dissipate the cloud.” The main issue here is that later in the DEIS, there is an argument for creating a beginners area at the summit. If there is so much wind at the summit, why would the applicant consider the summit as an optimal place for beginners who often need ideal weather conditions? Finally, there is no mention of the impact that the proposed 25,000 f² building would have on viewpoints other than town. What about the view from the Gros Ventre mountains? The failure to consider these issues warrants a new examination of cumulative effects.

1. The Road

According to the Forest Service Manual (FSM) 2343.11: “Any expansion of a ski area permit boundary must be based solely on needs related to snow sports.” The proposed road directly contradicts this FSM direction. The DEIS writers argue that the road is necessary for a beginner skiway, while I believe the applicant needs the road to construct the massive summit building which is not directly related to snow sports. The summit building will serve as an attraction for summer tourists who will ride the proposed gondola up the mountain. If Snow King officials desire to turn Snow King into a year-round resort, they need to stop alleging that these developments are catered towards winter sports enthusiasts.

The road also contradicts additional FSM direction, including, but not limited to: “facilities must be visually consistent with or subordinate to the ski area’s existing facilities, vegetation and landscape” (the road would irreparably scar and dominate the visual landscape of Snow King); “construction should not require significant modifications to topography” (a 16’-wide road is certainly a significant modification); and “new facilities shall not compromise snow sports operations or functions” (a road would bisect and effectively destroy some of the most celebrated expert terrain—Elk Run—at Snow King, while creating significant danger to beginners) (FSM 2343.14). There are alternative designs for the road that will not have these negative effects, namely the “Briggs Road” that the DEIS should have included.

2. Back Side Development

Like the road, the proposed development on the back side contradicts direction from the FSM, which states that “construction should increase utilization of snow sports facilities and not require extensive new support facilities like parking lots, restaurants, and lifts” (2343.14). This directive shows that there is a basis for replacing the aging lifts at Snow King, but little legal precedent for constructing new lifts on a previously unused area on the back side. The yurt camp and mountain bike trails will provide summer activities and therefore defy the FSM. There are also major concerns among wildlife enthusiasts that development on the back side will be a detriment to calving ungulates. There should be an alternative that does not include back side development. These issues deserve additional consideration.

3. Summit Development

The guideline mentioned in the previous section also applies to the problematic restaurant plans on the summit of Snow King. A 25,000 f² building on the summit, as opposed to the modest development there now surely qualifies as an “extensive new support facilit[y].” This proposed development on the summit is a great example of an opportunity for a diverse range of alternatives, namely renovating the existing Panorama House to cater to skiers and snowboarders rather than an enormous building built for increased summer capacity. With a renovation of the Panorama House, the USFS could adhere to the aforementioned directive and safeguard the historical significance of the building for future generations.

Moreover, the FSM 2340.3 states that the Forest Service should “deny applications of the private sector to construct recreational facilities and services if these facilities and services are reasonably available or could be provided elsewhere in the general vicinity.” Jackson and the valley supply a plethora of dining options right at the base of Snow King. Wedding venues abound in the valley. There is no legal basis for the “need” of an immense restaurant and wedding venue at the summit. Another major concern is if Snow King does eventually close and these enormous structures become vacant—who will be responsible for the buildings’ removal? There needs to be a plan in place to remove these developments responsibly in an attempt to restore the natural landscape should the Snow King operation fail.

4. Zip Line

Many members of the public spoke out against the network of proposed zip lines, mostly citing that amusement-park-style rides do not complement the adventurous spirit of Jackson Hole. Nonetheless, Snow King boasts the Cowboy Coaster on the east side of the property. The reason why the Cowboy Coaster is not located on Forest Service land is because it is not allowed there. According to the SAROE § 479b.c-2, “Each activity and facility... shall (A) encourage outdoor recreation and enjoyment of nature.” How does a summit-to-base zip line designed to provide recreationists with the thrill of speed give a sense of the grandeur of nature? This directive provides the reason that the USFS prohibited the Cowboy Coaster on public land. A summit-to-base zip line provides a comparable experience to the Cowboy Coaster, and therefore the USFS should prohibit its development on public lands.

Conclusion

The DEIS writers committed an additional serious misstep: they did not address concerns from the elected officials from the Town of Jackson and Teton County, both cooperating agencies that penned letters on 10/1/18 and 9/24/19 respectively. I urge the USFS to reconsider the issues present in those letters and make a concerted effort to collaborate with the Town Council and County Commission.

Once the USFS makes this decision, it will be nearly impossible to correct mistakes. The gravity of this project and its impact on future generations of recreationists warrant a thorough and justified completion of a SEIS. If the USFS does not complete a SEIS, I am asking that they select the “No Action” alternative. Thank you.

Clare Stumpf